

DOC Name: SCHWARTZ, MICHAEL P.

DOC ID: 1205942

District: 15 Officer: E0112380 JEFFREY MARTIN

District Address: 4621 YEAGER ROAD

HILLSBORO

MO 63050

Phone: 636-789-3392 Fax: 636-789-2369

Type of Report: Initial Date: 11/29/2011

Type of Violation: Technical

Conditions Violated: Drugs, Special Conditions

Court Action Requested

Officer Recommendation: CAPIAS, REVOCATION

Sentence Name: SCHWARTZ, MICHAEL P.

Sentence Status: Release to Prob-Custody/Detain

PG: DWI-PERSISTENT OFFENDER

Type: SES Sentence Length: 3 yr

Term of Probation: 3 yr 4 mo 11 dy

Spec Ind:

District: ERA Supervision Began: 10/20/2011 Expires: 02/01/2015

County: STLO Circuit/Div: 21/5 Docket Number: 09SL-CR02179-01

Judge: THEA SHERRY

Sentence Name: SCHWARTZ, MICHAEL P.

Sentence Status: New Court Probation

PG: POSSESSION CONTROLLED SUBSTANCE HEROIN

Type: SES Sentence Length: 3 yr

Term of Probation: 5 yr

Spec Ind:

District: ERA Supervision Began: 02/02/2010 Expires: 02/01/2015

County: STLO Circuit/Div: 21/5 Docket Number: 08SL-CR03969

Judge: THEA SHERRY

Date Violation Discovered: 11/23/2011

Violation Interview Date: 11/28/2011 Time: 08:30 A

Location: DISTRICT 15 OFFICE

N Offender Advised that Any Statements May be Included in Violation Report

N Offender Given Booklet "Rights of Alleged Violator"

N Violation Warrant Issued

Preliminary Hearing Not Applicable

IN CUSTODY? N Date:

Location:

*** FOR MISSOURI BOARD ABSCONDERS/ESCAPEES ONLY ***

Date of Absconder Warrant:

Date of Arrest:

OATH/AFFIRMATION: I state that the facts contained in this document are true and correct to the best of my knowledge and belief.

I. INTRODUCTION

Violation of Missouri supervision condition(s):

#6 DRUGS: I will not have in my possession or use any controlled substance except as prescribed for me by a licensed medical practitioner

#11 SPECIAL CONDITIONS:

Name: SCHWARTZ, MICHAEL P.

DOC ID: 1205942

Date - 12/07/11

Time - 12:56:57

PLAINTIFF'S
EXHIBIT

12

To complete aftercare counseling to include relapse prevention and actively participate in community support groups.

II. PARTICULARS OF VIOLATION

Schwartz has not been arrested relative to the violation.

Circumstances surrounding the violation of condition #6-DRUGS: On 11/29/2011, while at this office, Schwartz admitted that he had taken more Xanax than prescribed over the Thanksgiving weekend. This officer was notified by Schwartz substance abuse counselor, Ned Presnall of Assisted Recovery Centers of America that Schwartz had taken at least 10 Xanax and was transported to the hospital for an apparent overdose. Presnall stated that Schwartz had been discovered by his sister and she advised that he had taken at least 10 Xanax.

In response to the above violation, Schwartz initially denied being taken to the hospital and overdosing on Xanax. He stated that he just took more than prescribed. He was informed that was overdosing. He did finally admit to being taken to the hospital, but denied he overdosed, even though he readily admits to taking at least ten Xanax.

Circumstances surrounding the violation of condition #11 SPECIAL CONDITIONS: On 11/22/2010, this officer received a call from Ned Presnall indicating that Schwartz had been taken to the hospital over the weekend for taking at least 45 Lithium in less than a 24 hour period. The prescribed dose was two 25 Mg Lithium two times a day. He also stated that Schwartz was not keeping his appointments with his substance abuse counselor. Schwartz had been in this office a half hour prior to Presnall's call and had told this officer he was doing well in treatment. He made no mention of the overdose in this office when asked if there was anything going on that this officer needed to know about.

A report received from Presnall on the incident stated he received a call from Schwartz's father stating he had taken 45 25mg Lithium tablets in a 24 hour period. Schwartz's father also stated his mother had reported finding syringes near where she found Schwartz passed out. The report indicates that Schwartz was eventually awakened, but his speech was not discernible. Schwartz refused to go to the hospital at that time, so Presnall contacted the psychiatrist that prescribed the Lithium and was advised to call an ambulance. Schwartz was then transported to the hospital for an apparent overdose.

In response to the above violation, Schwartz denied he overdosed on Lithium, stating he just took more than prescribed. He stated that he wanted to switch counselors. When asked why, he stated he wanted to be in a 12 step program. He was advised at that time he was to be involved in community based support groups, which are all 12 step programs. He then stated he did not want to be involved in those programs because he would be required to speak.

Board of Probation and Parole

FIELD VIOLATION REPORT

III. OTHER VIOLATIONS

Date	Conditions Violated	Recommendation	Action
05/03/2011	LAW DRG DIR	CAPIAS, SUSPENSION	
06/15/2011	DRG	REVOCATION	

Citations

05/12/2010 #6--Drugs

IV. RECOMMENDATION

The recommendation is for Capias and Revocation of Schwartz probation. Schwartz was released from ITC on 10/20/2011. Since that time he has been transported to the hospital twice for overdosing on lithium and then on Xanax. According to his substance abuse counselor, Schwartz has not been going to community support groups.

By his own admission, Schwartz has been to inpatient treatment at least four times. He completed ITC on 10/20/2011. His counselor at Assisted Recovery Centers of America indicates that he does not believe there is any more he can offer Schwartz at this time. It appears as if Schwartz has exhausted all community based resources available. This officer believes the only recourse is to revoke Schwartz probation and execute his sentence.

V. AVAILABILITY

Schwartz is currently residing at: 4267 OAK HILL PL, HOUSE SPRINGS, MO 63051-1743

Respectfully submitted,

JEFFREY MARTIN E0112380
Probation and Parole Officer

Date: _____

/jdm (Date Created: 11/29/2011)

Sheila Dickson
Unit Supervisor

Date: _____

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